

A rejection under 35 U.S.C. § 103(a) must be based upon prior art under one of the subsections of 35 U.S.C. § 102. The publication of Yano et al. '504 would be prior art under 35 U.S.C. § 102(b) as of the date it was published, September 26, 2002. However, the subject application was filed on January 17, 2001 and therefore the Yano et al. '504 is not prior art under 35 U.S.C. § 102(b) with respect to the subject application.

Furthermore, Yano et al. '504 is not prior art under 35 U.S.C. § 102(e) which sets the effective date of "an application published under section 122(b)" as the date it is filed, and "an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language". Submitted herewith as Exhibit A is a copy of the first page of the publication of international application PCT/JP00/08986 as WO 01/46808 on June 28, 2001. Although the Abstract and legends in one drawing were in English upon publication on June 28, 2001, it is clear that the international application corresponding to Yano et al. '504 was otherwise published in Japanese. Since the publication of the international application corresponding to Yano et al. '504 occurred on June 28, 2001, the published international application is not prior art with respect to this application which, as noted above, was filed on January 17, 2001.

Therefore, Yano et al. '504 has an effective date under 35 U.S.C. § 102(e) when the English translation was filed in the U.S. Patent Trademark Office. Patent Application Serial No. 09/913,305 which was published as Yano et al. '504 was issued as U.S. Patent 6, 711,594 on March 23, 2004. A copy of the first page of Yano et al. '594 is submitted herewith as Exhibit B clearly indicating that the § 371 date which is the effective date under 35 U.S.C. § 102(e) is August 13, 2001, well after the filing date of subject application.

For the reasons set forth above, Yano et al. '504 is not prior art. Therefore, withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully requested.

Serial No. 09/760,881

If there are any additional fees associated with the filing of the Request for Reconsideration, please charge same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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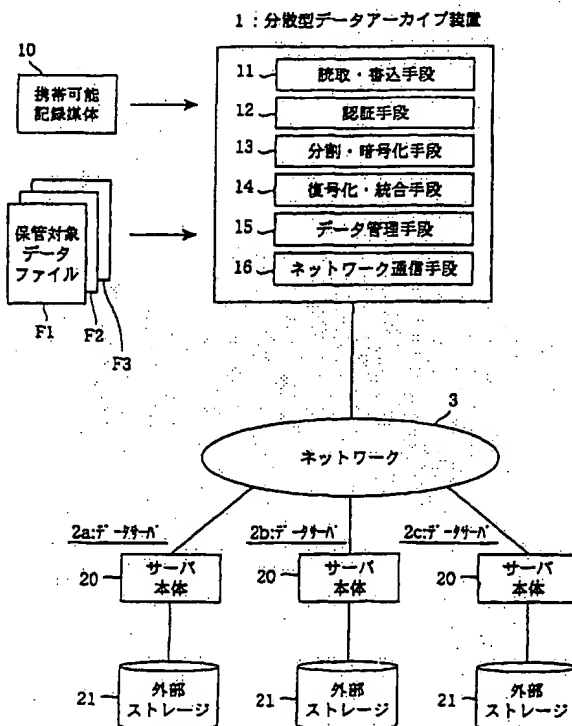
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(54) Title: DISTRIBUTED DATA ARCHIVE DEVICE AND SYSTEM

(54) 発明の名称: 分散型データアーカイブ装置およびシステム



(57) Abstract: A distributed data archive device (1) is provided in an appropriate location on a network (3) for data storage and retrieval. When data is to be stored and when a data file (F1) to be stored is assigned to the archive device (1), a dividing/encrypting means (13) carries out a dividing/encrypting, and a network communication means (16) distributes and stores respective divided files into each data server (2a, 2b, 2c). A data management means (15) prepares a dividing method, an encrypting method and management data showing stored data servers for recording onto a portable recording medium (10). When data are to be retrieved, the portable recording medium (10) is connected to the archive device (1), management data are read, divided files are retrieved from respective storing locations based on the management data, and a decoding/integrating means (14) restores them to the original data file (F1).

- 10...PORTABLE RECORDING MEDIUM
F1...DATA FILE TO BE STORED
1...DISTRIBUTED DATA ARCHIVE DEVICE
11...READING/Writing MEANS
12...AUTHENTICATING MEANS
13...DIVIDING/ENCIPHERING MEANS
14...DECODING/INTEGRATING MEANS
15...DATA MANAGEMENT MEANS
16...NETWORK COMMUNICATION MEANS
3...NETWORK
2a...DATA SERVER
2b...DATA SERVER
2c...DATA SERVER
20...SERVER BODY
21...EXTERNAL STORAGE